

Application No. 09/776,125

**END 723**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Seth A. Foerster et al.  
App. No. : 09/776,125 Art Unit: 3731  
Filed : February 2, 2001 Examiner: Baxter  
Title : METHODS AND DEVICES FOR  
DEFINING AND MARKING TISSUE

I hereby certify that this correspondence is being transmitted via facsimile to the USPTO on October 22, 2002

Gerry Gressel

*DG* 10/22/02

Honorable Commissioner of Patents  
Washington, D.C. 20231

**PETITION under 37 CFR 1.181 TO WITHDRAW FINAL REJECTION**

The Commissioner is hereby petitioned to withdraw the final rejection dated July 3, 2002 for the reasons stated below.

The rejection addresses claims 15-17, 35-37, and 43-45. These claims were cancelled in a preliminary amendment filed by certificate of mailing on July 12, 2001, which amendment also added claims 46-59. Apparently, this preliminary amendment has not been considered by the USPTO.

A copy of the preliminary amendment and the USPTO date stamped return post card accompany this petition.

The Examiner is respectfully requested to withdraw the final rejection and examine the claims presented on July 12, 2001.

The Commissioner is hereby authorized to charge any necessary fee, including any extension of time fees, to Deposit Account 10-0750/END-723.

Respectfully submitted,

By:

*DG* Gerry Gressel 34,342

Telephone No.: 513-337-3535

October 22, 2002  
Johnson & Johnson  
Patent Law Dept.  
One J&J Plaza  
New Brunswick, NJ 08933

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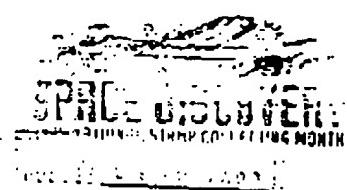
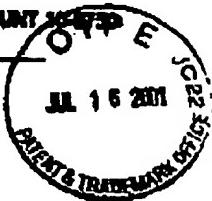
SERIAL NO. 09/776,125

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BY BES/pbj

APPLICATION OF Seth A. Foerster et al.

MAILED: 7/12/01

ENTITLED METHODS AND DEVICES FOR DEFINING AND MARKING  
TISSUETHE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE  
STAMPED HEREON: AFFIDAVIT  DECLARATION AMENDMENT (PRELIMINARY) ASSIGNMENT FOR RECORDING BRIEF CHARGE TO DEPOSIT ACCOUNT  FPD DRAWINGS FEE TRANSMITTAL LETTER (Transmittal) PCT FILING IDS - FORM 1449 TRADEMARK EXTENSION OF TIME NOTICE OF APPEAL OATH OR DECLARATION POWER OF ATTORNEY PRELIMINARY STATEMENT PRIORITY DOCUMENT STATUS INQUIRY SPECIFICATION \_\_\_\_\_ PGS CLAIMS \_\_\_\_\_

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